



Page 1 of 3

CPA
GAV 1641
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13-00
13-00

**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

In re prior PATENT APPLICATION of
Inventor(s): CATT ET AL

Group Art Unit: 1641

Examiner: Portner

RECEIVED

JAN 11 2000

Appln. No. 08 935,717
Series Code Serial No.

TECH CENTER 1600/2900 FR 1600/2900

Filed: September 23, 1997

Atty. Dkt. PM 241939

R.3248

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Date: January 7, 2000

Parent M#

Client Ref

This is a request for a continuation or divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of the above prior application number, entitled

TEST KITS AND DEVICES

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371, i.e., having a §102(e) date granted and is neither abandoned nor its proceedings terminated and its issue fee has not been paid (unless item 6A below is X'd).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1. Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application. (Include claim fees on page 2).
2. A preliminary amendment is enclosed. (See page 3 for additional claims fees).
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. DELETE the following inventor(s) named in the prior nonprovisional application:
 1. _____
 2. _____
 3. _____
 - b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4. A new power of attorney is enclosed.

5. Information Disclosure Statement is enclosed:

IDS Letter

Citing Appln.

Foreign Search Report/OA

PTO-1449

Cited Documents

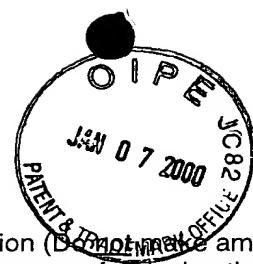
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01 FC:131

690.00 OP

01/10/2000 SLUANG1 00000037 00935717
02 FC:118
PAT-110 7/99



6. PRELIMINARY AMENDMENT to be entered before fee calculation (Do not make amendments here except cancellation of whole claims or multiple dependencies for purpose of reducing the filing fee (on page 2) per MPEP §§ 506 and 607; do not cancel all claims.):

6A. The issue fee has been paid in the parent, but this CPA Request is based on a Rule 313(b)(5) petition and Rule 53(d)(1)(ii)(A).

7. Attached is a Rule 103(a) Petition to Suspend Action

FILING FEE

THE FOLLOWING FILING FEE IS BASED ON THE CLAIMS
EXISTING IN THE PRIOR APPLICATION AS AMENDED AT 1 & 6 ABOVE

	<u>Large/Small Entity</u>	<u>Fee Code</u>	
8. Small Entity Statement Filed <input type="checkbox"/> previously (still valid) <input type="checkbox"/> herewith			
9. Basic filing fee - - - - -	<input checked="" type="checkbox"/> Utility Appln. - - \$690/\$345 <input type="checkbox"/> Design Appln. - - \$310/\$155 <input type="checkbox"/> Plant Appln. - - \$480/\$240 <input type="checkbox"/> Reissue Appln. - - \$690/\$345	\$ 690 \$ 0 \$ 0 \$ 0	(131/231) (132/232) (133/233) (134/234)

10. (reserved)

11. Total Effective Claims 7 minus 20 = * 0 x \$18/\$9 = + 0 (103/203)
 12. Independent Claim 1 minus 3 = * 0 x \$78/\$39 = + 0 (102/202)

* If answer is zero or less, enter "0"

13. If any proper (ignore improper) multiple dependent claim is present, add \$260/\$130 + 0 (104/204)

14. Original Due Date: September 7, 1999 None

15. **Petition is hereby made to extend the original due date to cover the date this CPA is filed for which the requisite fee is attached** (1mo)- \$110/\$55= \$_____ (115/215)
(2mos)- \$380/\$190= \$_____ (116/216)
(3mos)- \$870/\$435= \$_____ (117/217)

16. Enter any previous extension fee paid since above original due date (item 14) and subtract

- 60

17

EXTENSION FEE ATTACHED \$ 1360

18

TOTAL FILING FEE = \$ 2050

10

add petition fee (\$130) + 0

88

EEF ATTACHED

\$ 2050

(carry forward to line 27)

(FOR AMENDMENT FEES RE ITEM 2 ABOVE SEE NEXT PAGE)



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TECH CENTER 1600/2900

21. ATTACHED:

22. **ADDITIONAL FEE CALCULATION FOR PRELIMINARY AMENDMENT
TO BE ENTERED (PER ITEM 2 ABOVE)**

Claims remaining after amendment	Highest number previously paid for	Present Extra	Additional Fee		Fee Code
			Large/Small Entity		
23. Total Effective Claims	minus** 20	= * 0	x \$18/\$9	= \$ 0	(103/203)
24. Independent Claims	minus*** 3	= * 0	x \$78/\$39	= + 0	(102/202)
25. If amendment enters proper multiple dependent claim(s) into this application for the <u>first time</u> , ----- <input type="checkbox"/> add \$260/\$130 (per application)				+ 0	(104/204)
26.		ADDITIONAL FEE	\$ 0		
27.		plus Fee from item 20 on page 3	+ 2050		
28.		TOTAL FEE ATTACHED	\$ 2050		

29.*If the entry in the first space is less than entry in the middle space, the "Present Extra" result is "0".

30.**If the "Highest number previously paid for" (see item 11 above) is less than 20, write "20" in this space.

31.***If the "Highest number previously paid for" (see item 12 above) is less than 3, write "3" in this space.

Our Deposit Account No. 03-3975	
Our Order No. 60113	241939
C#	M#

32. **CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached. **This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.**

Pillsbury Madison & Sutro LLP
Intellectual Property Group

1100 New York Avenue, NW
Ninth Floor
Washington, DC 20005-3918
Tel: (202) 861-3000
Atty./Sec. PNK/mah

By Atty: Paul N. Kokulis Reg. No. 16773
Sig: Paul N. Kokulis Fax: (202) 822-0944
Tel: (202) 861-3503

NOTE: No. 1: File this Request in duplicate with PTO receipt (PAT-103A) & attachments.
NOTE: No. 2: Is extension necessary for copendency? **DOUBLE CHECK** Item 14 above.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

7/B
1-13-00
Done

In re Application of

CATT ET AL

Serial No. 08/935,717

Filed: September 23, 1997

For: TEST KITS AND DEVICES



Group Art Unit: 1641

Examiner: Portner

January 7, 1999

PRELIMINARY AMENDMENT

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Please amend the above continuing application as follows:

IN THE CLAIMS

Amend claim 1 as follows:

1. (Amended) A test kit for determining qualitatively or quantitatively the presence of one or more analytes in a fluid sample, comprising an assay device for sampling and assaying said fluid together with a reading device which includes reading initiation means and which engages with said assay device and wherein precisely located engagement of said assay device with said reading device is essential for accurate reading of the assay result, [wherein] the precisely located engagement of said assay device with said reading device [causes] causing a lock-and-key interaction between said assay device and reading initiation means of said

SAC
BB